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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA, *et al.*,  
 Plaintiffs,  
 v.  
 INFINEON TECHNOLOGIES AG, *et al.*,  
 Defendants.

Case No. C-06-04333 PJH (JCS)  
 Master File No. M-02-1486 PJH (JCS)

**JOINT STIPULATION AND [PROPOSED]  
 ORDER RE TIMING OF PLAINTIFF  
 STATES' RESPONSES TO CLASS  
 CERTIFICATION CONTENTION  
 INTERROGATORIES**

Plaintiff States and defendants Elpida Memory, Inc. and Elpida Memory (USA) Inc.  
 (collectively "Elpida") jointly submit this stipulation regarding the timing of Plaintiff States'  
 responses to class certification contention interrogatories.

WHEREAS, the Honorable Phyllis J. Hamilton set a briefing schedule for class

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JOINT STIPULATION AND [PROPOSED] ORDER RE  
 TIMING OF PLAINTIFF STATES' RESPONSES TO  
 CERTAIN INTERROGATORIES

1 certification as follows: (1) the deadline to file class certification motions is October 24, 2007; (2)  
 2 the deadline to file opposition to class certification is January 2, 2008; (3) the reply is to be filed by  
 3 January 23, 2008; and (4) the hearing date for the motions for class certification is set for February  
 4 13, 2008 (see April 17, 2007 Case Management Order);

5 WHEREAS, on June 15, 2007, Elpida served on Plaintiff States interrogatories  
 6 relating to class certification (see Interrogatory Nos. 10-18 of Elpida's First Set of Interrogatories);

7 WHEREAS, on August 6, 2007, Plaintiff States objected to and refused to answer  
 8 such interrogatories on the grounds they were "premature contention" interrogatories (see Plaintiff  
 9 States' Objections and Responses to Elpida's First Set of Interrogatories);

10 WHEREAS, through subsequent written meet-and-confer communications, as well as  
 11 an in-person meet-and-confer on August 29, 2007, Elpida and Plaintiff States have had discussions  
 12 on the timing of Plaintiff States' responses to Elpida's Interrogatory Nos. 10-18;

13 WHEREAS, Plaintiff States rejected Elpida's proposal to defer Plaintiffs States'  
 14 substantive responses until 45 days before Plaintiffs' class certification papers are due;

15 WHEREAS, Plaintiff States proposed providing substantive responses on the same  
 16 date Plaintiffs States' class certification papers are due;

17 WHEREAS, Plaintiff States may wish to discuss certain timing and scheduling issues  
 18 with Defendants and the Honorable Phyllis J. Hamilton, including the briefing schedule for class  
 19 certification;

20 Plaintiffs States and Elpida, by and through their respective counsel, hereby stipulate  
 21 as follows:

22 1. To the extent the briefing schedule for class certification remains as currently  
 23 scheduled, (i) Plaintiff States shall provide substantive responses to Elpida's Interrogatory Nos. 10-  
 24 18 no later than October 24, 2007; (ii) such responses shall be full and complete answers with no  
 25 new objections; and (iii) Elpida shall have 30 days after Plaintiffs States respond to move to compel  
 26 if Elpida believes the responses are not sufficient.

27 2. To the extent Plaintiff States seek to modify the class certification schedule

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and to the extent such schedule is modified, (i) Plaintiff States shall provide substantive responses to Elpida's Interrogatory Nos. 10-18 no later than the deadline for Plaintiff States to submit their class certification motions; (ii) such responses shall be full and complete answers with no new objections; (iii) Elpida shall have 30 days after Plaintiff States respond to move to compel if Elpida believes the responses are not sufficient; and (iv) Plaintiff States agree that defendants to this action may have additional time (and certainly no less time than is contemplated under the current schedule) to file their opposition papers and expert reports and/or conduct class discovery, subject to any limitations imposed by the Honorable Phyllis J. Hamilton, and that Plaintiff States will work in good faith with defendants to reach a suitable resolution.

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By:                     /S/                      
Emilio E. Varanini

*Liaison Counsel for Plaintiff States*

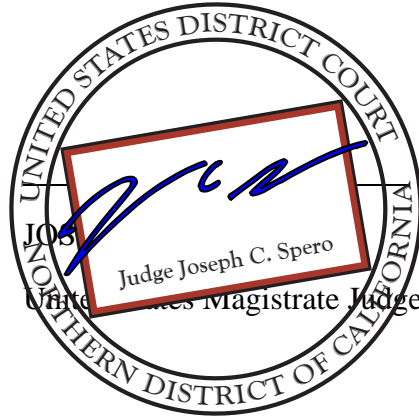
By:                     /S/                      
Harrison J. Frahn IV

*Attorneys for Defendants Elpida Memory, Inc.  
and Elpida Memory (USA) Inc.*

**ORDER**

PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS SO ORDERED.

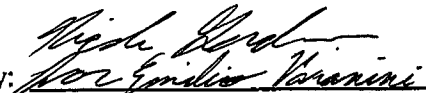
Dated: September 7, 2007



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*Attorneys for Defendants Elpida Memory, Inc.  
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